

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Earl Lionell Ward,

Case No. 21-cv-1515 (KMM/TNL)

Petitioner,

v.

ORDER

Tracy Beltz,

Respondent.

Earl Lionell Ward, MSOP, 1111 Highway 73, Moose Lake, MN 55767, pro se.

Edwin William Stockmeyer, III, and Matthew Frank, Office of Minnesota Attorney General, 445 Minnesota St., Suite 1800, St. Paul, MN 55101, and Jeffrey Wald, 345 Wabasha St. N., St. Paul, MN 55102, for Respondent.

This matter is before the Court on Petitioner Earl Lionell Ward’s Motion for Appointment of Counsel. [ECF No. 3.] District courts may appoint counsel for habeas petitioners “when the interests of justice so require.” *Hoggard v. Purkett*, 29 F.3d 469, 471 (8th Cir. 1994) (quoting *Abdullah v. Norris*, 18 F.3d 571, 573 (8th Cir. 1994)); *see also* 18 U.S.C. § 3006A(a)(2)(B) (statutory provision permitting appointment). When deciding whether to appoint counsel in a case like this, the court should consider “the legal complexity of the case, the factual complexity of the case, and the petitioner’s ability to investigate and present his claims, along with any other relevant factors.” *Hoggard*, 29 F.3d at 471 (citing cases); *accord Wiseman v. Wachendorf*, 984 F.3d 649, 655 (8th Cir. 2021). At this stage of this litigation, the Court does not believe that litigating this action will be

factually or legally complex. Nor does it appear to the Court that Ward is unable to investigate this action's facts or present his arguments to the Court.¹ At this point, then, the Court concludes that the interests of justice do not require appointment of counsel. The Court therefore denies the motion.

SO ORDERED.

Date: March 2, 2022

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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¹ Under Rule 8(c) of the Rules Governing § 2254 Cases in the U.S. District Courts, if the Court determines, as this case proceeds, that an evidentiary hearing is necessary, then the Court will appoint Ward an attorney under § 3006A.